

EXHIBIT A

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

FURNITURE FACTORY ULTIMATE
HOLDING, L.P.,¹

Debtor.

STEVEN BALASIANO, NOT
INDIVIDUALLY BUT SOLELY IN HIS
CAPACITY AS TRUSTEE OF THE
LIQUIDATION TRUST OF FURNITURE
FACTORY ULTIMATE HOLDING, L.P., *et*
al.,

Plaintiff,

v.

JONATHAN H. BORELL, *et al.*,

Defendants.

Chapter 11

Case No. 20-12816 (JKS)

Adv. Proc. No. 22-50390 (JKS)

Re: D.I. ____

**ORDER APPROVING STIPULATION EXTENDING THE TIME TO ANSWER, MOVE
OR OTHERWISE RESPOND TO THE COMPLAINT**

Upon consideration of the *Certification of Counsel Regarding Order Approving Stipulation Extending the Time to Answer, Move or Otherwise Respond to the Complaint* (the “Certification”)² and the Stipulation; and the Court having determined that good and adequate cause exists for approval of the Stipulation; and the Court having determined that no further or other notice of the Stipulation need be given, except as provided for herein, it is hereby ORDERED that:

1. The Stipulation attached hereto as **Exhibit 1** is approved.

¹ The Debtor’s service address in the chapter 11 case is FFO Liquidation Trust, c/o Province, LLC, 16255 Ventura Blvd, Suite 440, Encino, CA 91436.

² Capitalized terms not defined herein are defined in the Certification.

2. Defendants shall have through and including September 15, 2022, to answer, move or otherwise respond to the Complaint.

3. Except as specifically set forth herein, all rights, claims and defenses of the Parties shall be fully preserved.

4. The Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

EXHIBIT 1

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

FURNITURE FACTORY ULTIMATE
HOLDING, L.P.,¹

Debtor.

Chapter 11

Case No. 20-12816 (JKS)

STEVEN BALASIANO, NOT
INDIVIDUALLY BUT SOLELY IN HIS
CAPACITY AS TRUSTEE OF THE
LIQUIDATION TRUST OF FURNITURE
FACTORY ULTIMATE HOLDING, L.P., *et*
al.,

Plaintiff,

v.

JONATHAN H. BORELL, *et al.*,

Defendants.

Adv. Proc. No. 22-50390 (JKS)

**STIPULATION EXTENDING THE TIME TO ANSWER, MOVE OR OTHERWISE
RESPOND TO THE COMPLAINT**

Steven Balasiano, not individually, but solely in his capacity as trustee (the “Liquidation Trustee” or “Plaintiff”) of the FFO Liquidation Trust established in the chapter 11 case of the above-captioned debtor, Furniture Factor Ultimate Holding, L.P. (“Holding LP”, together with its Debtor affiliates and subsidiaries, “FFO”) and Defendants Jonathan H. Borell, Chad Crosby, Jeff Feinberg, Margie Kaufman, Melissa Klafter, Michael J. McConvery, Hank Mullany, Beth Neumann, David Rogalski, Lawrence Zigerelli, (collectively, the “D&Os”), Sun Capital Partners, Inc. (“Sun Capital Partners”), Sun Capital Partners Management VI, LLC (“Sun Management”),

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and Furniture Factory Note Holdings LLC (“Note Holdings” and together with Sun Capital Partners, Sun Management, and any other of its affiliates, “Sun Capital,” collectively with the D&Os, the “Defendants” and together with Plaintiff, the “Parties”), by and through their undersigned counsel, hereby stipulate and agree as follows:

WHEREAS, on July 12, 2022, Plaintiff filed the complaint (A.D.I. 1) (the “Complaint”) against Defendants, initiating the above-captioned adversary proceeding (the “Adversary Proceeding”);

WHEREAS, pursuant to the *Summons and Notice of Pretrial Conference in an Adversary Proceeding* (A.D.I. 3) (the “Summons”), the deadline for Defendants to answer, move, or otherwise respond to the Complaint is August 11, 2022;

WHEREAS, in accordance with Rule 7012-2 of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the “Local Rules”), the Parties have agreed to extend the time for Defendants to answer, move or otherwise respond to the Complaint, through and including September 15, 2022;

THEREFORE, in consideration of the foregoing, and pursuant to Local Rule 7012-2, the Parties hereby stipulate and agree that:

1. Defendants shall have through and including September 15, 2022, to answer, move or otherwise respond to the Complaint.
2. Except as specifically set forth herein, all rights, claims and defenses of the Parties are fully preserved.
3. This extension is without prejudice to the rights of any party, including the right to agree to further extensions of time for the filing of the answer or other response, or the right of

Defendants to seek further extensions of time from the Court to answer, move or otherwise respond to the Complaint, and Plaintiff's rights to oppose any such requests by Defendants.

Dated: August 9, 2022

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ John P. DiTomo

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– and –

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Attorneys to Defendants

Dated: August 9, 2022
Wilmington, Delaware

Respectfully submitted,

/s/ Sameen Rizvi

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